

**Enrolled Minutes of the One Hundred-sixth Regular or Special Meeting  
For the Twenty-Eighth Highland Town Council  
Regular Plenary Meeting  
Monday, December 23, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a regular meeting on Monday, December 23, 2019 6:32 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding conducted in the anteroom to the plenary meeting room. Once completed the Town Council moved to the plenary meeting room. Silent roll call confirmed that Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner were present and there was a quorum.

The Town Council President, Steve Wagner presided at the plenary meeting. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with The Town Council President reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Steve Wagner. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Mark Knesek, Operations Director; Peter Hohnicki, Metropolitan Police Chief; Patrick Vassar, Assistant Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and William R. Timmer, Jr., CFOD, Fire Chief were present.

*Also present:* Larry Kondrat of the Board of Waterworks Directors; Chris Ray, Park and Recreation Board; Steve Jurczak, Town Board of Metropolitan Police Commissioners; Ed Dabrowski IT Director (Contract); Mark Schocke, Councilor Elect Ward 3; Tom Black, Town Councilor Elect Ward 4; and Roger Sheeman, Councilor Elect Ward 5 were also present.

*Guest:* Robin Carlascio and Theresa Badovich of the Idea Factory; and Dan Dernulc, Lake County Councilor and Lake County Republican Chairman, were also present.

**Minutes of the Previous Meetings:** The minutes of the regular plenary meeting of 09 December 2019 were approved by general consent.

**Special Orders:**

**Encomiums for Retiring Officials**

1. **Service as Town Executive.** Presentation of Plaque of Appreciation to the *68th Town Council President*, Steven Wagner. Councilor Mark Herak presented the Town Council President a plaque of appreciation for his service as the 68<sup>th</sup> Town Council President. The plaque inscription read:

On behalf of the people of Highland, the Town Council and the Town Clerk-Treasurer present this special expression of appreciation  
to

**Steven Wagner**

In recognition of his service to the Town of Highland, Indiana serving as the Sixty-eighth President of the Highland Town Council , for a term commencing January 14, 2019 through December 31, 2019.

2. **Service as a Town Councilor.** Presentation of Plaque of Appreciation to Steven Wagner, serving 11.25.2014 through before noon January 1, 2020. Councilor Mark

Herak presented the Town Council President a plaque of appreciation for his service as a member of the Highland Town Council.

3. *Service as a Town Councilor.* Presentation of Plaque of Appreciation to Konnie Kuiper, serving 1.01.2008 through before noon January 1, 2020. Councilor Mark Herak presented Councilor Dan Vassar a plaque of appreciation for his service as a member of the Highland Town Council.
4. *Service as a Town Councilor.* Presentation of Plaque of Appreciation to Dan Vassar, serving 1.01.2008 through before noon January 1, 2020. . Councilor Mark Herak presented Councilor Konnie Kuiper a plaque of appreciation for his service as a member of the Highland Town Council.

Councilor Herak offered valedictory and affirming remarks.

#### **Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1711:** An Ordinance To Make Several Technical Amendments To The Current Code Of Ordinances For The Town Of Highland, Particularly Amending Chapter 2.25, All Pursuant To IC 36-1-5 and IC 36-1-27 et Seq. *Indiana Code 36-1-27 et sequitur imposes a requirement on all municipalities to prohibit conflicts of interest by a building official over a building permit. This ordinance is intended to bring the local code into compliance with this requirement.*

Councilor Herak introduced and moved the consideration of Ordinance No. 1711 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same evening of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1711 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same evening of its introduction.

**ORDINANCE No. 1711  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE To MAKE SEVERAL TECHNICAL AMENDMENTS To The Current CODE Of ORDINANCES For The TOWN Of HIGHLAND, PARTICULARLY AMENDING CHAPTER 2.25, ALL PURSUANT TO IC 36-1-5 AND IC 36-1-27 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

**WHEREAS**, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

**WHEREAS**, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code;

**WHEREAS**, Indiana Code 36-1-27 et sequitur sets forth provisions imposing a requirement on all municipalities to prohibit conflicts of interest by a building official over a building permit; and,

**WHEREAS**, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications necessary to carry out this requirement and to further improve and perfect the Code,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code, be hereby amended by creating a new Section to be

numbered 2.25.073 to be called *Further prohibitions regarding Conflicts of Interests*, which shall read as follows:

**2.25.073 Further prohibitions regarding Conflicts of Interests**

- (A) The purpose of this section is to satisfy the requirements of IC 36-1-27 et seq.
- (B) It shall be unlawful for the chief inspector, building commissioner and zoning administrator to issue or oversee the issuance of a permit through a subordinate if the chief inspector has a conflict of interest, as defined as a direct or indirect financial interest in the issuance of the permit;
- (C) A direct or indirect financial interest shall not be construed to include the compensation that the chief inspector, building commissioner and zoning administrator receives in consideration of his services for the municipality nor any reimbursement for expenses incurred in consequence of this service, as provided by law;
- (D) As used in this section, permit has the meaning set forth in IC 36-7-4-1109(b) which includes any of the following:
- (1) An improvement location permit
  - (2) A building permit
  - (3) A certificate of occupancy
  - (4) Approval of a site-specific development plan
  - (5) Approval of a primary or secondary plat
  - (6) Approval if a contingent use, conditional use, special exception or special use
  - (7) Approval of a planned unit development, and
  - (8) Any other permit or license issued under the jurisdiction of the department;
- (E) When a conflict of interest exists as described by this section, the chief inspector shall report the conflict of interest in writing to the Town Council President, and the Plan Commission, the Town Attorney and with the municipal clerk;
- (F) Further, when a conflict of interest exists as described in this section, the enforcement officer described in HMC Section 15.15.010 (assistant electrical inspector), shall be the acting chief inspector and shall perform all the duties that would have been performed by the chief inspector associated with the permit. The acting chief inspector shall be entitled to compensation at the highest rate in the range approved for the position of assistant electrical inspector, while performing work as the acting chief inspector under this section. Once all of the matters associated with the permit that created the conflict of interest are concluded, compensation as acting chief inspector shall end;

**Section 2.** That the Highland Municipal Code, be hereby amended by repealing subdivision (C) of Section 2.25.090 and replacing it with a successor section styled as subdivision (C) of Section 2.25.090, which shall read as follows:

**2.25.090 Inspection and penalties.**

(C) ~~(1)~~ An owner who is obligated to provide a town inspection for an existing building or structure to satisfy legal requirements of federal or state agencies:

(1) Shall file ~~the same~~ an application for inspection with the chief inspector, together with the payment of a fee in the amount of \$30.00. Thereafter, the chief inspector shall make a physical inspection of said existing building or structure to determine whether the building appears to be in compliance with existing building regulations, and shall report his observable findings to the applicant or to the federal or state agency.

(2) The inspection shall be limited to matters which are conveniently and easily observable by sight, and shall not include an inspection of matters which are covered, enclosed, underground, overhead or otherwise not readily available for inspection.

(3) In making application, the applicant shall agree that the town has assumed no liability to anyone on account of its inspection and report, and that the applicant, his heirs, its agents, servants and employees, for any error, omission, oversight or any other ground or reason arising out of or in connection with said inspection and report.

**Section 3.** That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on 23<sup>rd</sup> day of December 2019. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 23<sup>rd</sup> Day of December 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5;IC 36-5-2-10.2)

- 2. Works Board Order No. 2019-35:** An Order Authorizing and Approving An Agreement between The Idea Factory and the Town of Highland to perform Professional Communications and Media Design and Development services for the Municipality for a Term of One Month, with Option to Renew and Extend.

Councilor Herak moved the passage and adoption of Works Board Order No. 2019-35. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Board of Works  
Order of the Works Board No. 2019-35**

**AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY FOR A TERM OF ONE MONTH, WITH OPTION TO RENEW AND EXTEND**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

**Whereas**, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

**Whereas**, Robin A. Carlascio and Theresa K. Badovich, d.b.a. The *Idea Factory*, a media development and design, communication consulting alliance, has proposed to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter;

**Whereas**, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

**Whereas**, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section 3.05.090; and

**Whereas**, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described.

**Now Therefore be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 January 2020 through to 31 January 2020** as described herein is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the charges under the agreement for the services, in the amount of **\$1,838.55 per issue**, or **\$459.64** per page, which include publishing and coordinating a monthly newsletter to be distributed as an insert in the monthly utility invoice and other related services; stock images or illustrations at **\$50** per image or illustration, custom photography or graphics at **\$100** per image or graphic, and website maintenance and services in the amount of **\$131.33 per week** are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the municipal code;

**Section 3.** That the charges under the terms of the agreement for all the services, will be paid to **The Idea Factory**, after presentation of an invoice for services, following their delivery;

**Section 4.** That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer;

**Section 5.** That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

**Be it so Ordered.**

**DULY, PASSED, ADOPTED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23<sup>rd</sup> day of December 2019 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**  
/s/Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

#### AGREEMENT

This Transitional Agreement made and entered into this 23<sup>rd</sup> day of December 2019, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

#### WITNESSETH THAT:

**WHEREAS**, The Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

**WHEREAS**, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

**WHEREAS**, The parties wish to reduce their agreement to writing;

**NOW, THEREFORE**, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.

2. The term of this Agreement shall be for one (1) month beginning **January 1, 2020**, through **January 31, 2020**. This Agreement may be extended or renewed by the Town of Highland from month to month or for a longer term based upon approval of the renewal term by the Town.

3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of ~~\$1,838.55~~ per issue or ~~\$459.64~~ per page stock images or illustrations at \$50 per image or illustration, custom photography or graphics at \$100 per image or graphic, **as well as the website maintenance fee of \$131.33 per week** and the monthly fees shall be payable to The Idea Factory at its business address, **1 Courthouse Square, Suite 207, Crown Point, Indiana 46307**.

4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.

5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.

6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

7. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

**IN WITNESS WHEREOF**, this Agreement has been entered into between the parties this 23<sup>rd</sup> day December 2019.

**TOWN OF HIGHLAND**

**THE IDEA FACTORY**

By: \_\_\_\_\_  
Steven Wagner, President

\_\_\_\_\_  
Robin Carlascio

Attest: \_\_\_\_\_  
Michael W. Griffin  
Clerk-Treasurer

\_\_\_\_\_  
Theresa Badovich

3. **Works Board Order No. 2019-36:** An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Vigilant Solutions, LLC, through the State of California to purchase Intersection Hi-Def Video Camera system equipment and accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code.

Councilor Herak moved the passage and adoption of Works Board Order No. 2019-36. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland  
Board of Works  
Order of the Works Board 2019-36

**An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with Vigilant Solutions, LLC, through the State of California to purchase Intersection Hi-Def Video Camera system equipment and accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code.**

**Whereas,** The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00 and an opportunity has arisen which enables the department to purchase additional Intersection Hi-Def Video Camera system equipment and accessories;

**Whereas,** The Metropolitan Police Chief has identified Vigilant Systems, LLC., IN, through the State of Indiana to be a desirable source vendor for the purchase of equipment and supplies at a price of \$23,349.00 with a 2 camera trade-in;

**Whereas,** The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas,** The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas,** The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

**Whereas,** The Purchasing Agent, for the rationale stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to Section 3.05.065 (I) of the Highland Municipal Code;

**Whereas,** The purchase of the Intersection Hi-Def Video Camera system equipment and accessories will be supported by appropriations in the LOIT Fund and Federal Asset Forfeiture; and,

**Whereas,** The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1:** That the Works Board hereby authorizes and approves the purchase from Vigilant Solutions, LLC, 1152 Stealth Street, Livermore, CA, for the purchase of the Intersection Hi-Def Video Camera system

equipment and accessories in the amount of \$23,349.00 with a 2 camera trade-in, pursuant to IC 5-22 and Section 3.05.060 (G) (2) of the Highland Municipal Code;

- Section 2:** That the Works Board hereby finds and determines the following:
- (A) That Vigilant Solutions, LLC, 1152 Stealth Street, Livermore, CA is the sole source to meet the police departments reasonable requirements for this purchase; and,
  - (B) That for this purchase, the compatibility of equipment, accessories or replacement parts is a substantial consideration; and,
  - (C) That for the foregoing rationale, this purchase qualifies as a special purchase pursuant to IC 5-22-10 et seq. and HMC Section 3.05.065 (I);

**Section 3:** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**DULY, PASSED, ADOPTED AND ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23<sup>rd</sup> day of December 2019 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- 4. Works Board Order No. 2019-37:** An Order of the Works Board Approving and Authorizing Change Order No. One to the Construction Contract between the Highland Board of Works and Gatlin Plumbing & Heating, Incorporated for the 81<sup>st</sup> Street Water Main Replacement and Street Improvement Project. *Passage and adoption of the Works Board Order decrease net changes to the original agreement in the amount of Fifty-four Thousand Four Hundred Sixty-eight Dollars and 30/100 Cents (\$54,468.30), of which, Sixteen Thousand Five Hundred Thirty-one Dollars and 90/100 Cents (\$16,531.90) is attributed to the reduction in the water main replacement costs and Thirty-seven Thousand Nine Hundred Thirty-six Dollars and 40/100 Cents (\$37,936.40) is attributed to the street improvement costs.*

Councilor Zemen moved the passage and adoption of Works Board Order No. 2019-37. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works**

**ORDER OF THE WORKS BOARD NO. 2019-37**

**AN ORDER OF THE WORKS BOARD APPROVING AND AUTHORIZING CHANGE ORDER NO. ONE TO THE CONSTRUCTION CONTRACT BETWEEN THE HIGHLAND BOARD OF WORKS AND GATLIN PLUMBING & HEATING, INCORPORATED FOR THE 81<sup>ST</sup> STREET WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of 81<sup>st</sup> Street between Indianapolis Boulevard and Sycamore, with the project commonly known as the 81<sup>st</sup> Street Water Main and Street Improvement Project;

**Whereas,** The Water Works District of Highland (District), through its Board of Directors, had determine the need to replace the Water Main on 81<sup>st</sup> Street from Indianapolis Boulevard to Sycamore Avenue in order to provide for adequate water supply and water quality;

**Whereas,** In addition to the water main replacement project, the Board of Works had determined to make certain street and right-of-way improvements outside of the scope of the waterworks improvements and have designated funds for that purpose;

**Whereas**, NIES Engineering, Incorporated has prepared plans and specifications for the Project on behalf of the Waterworks District and Board of Works and the Project was bid in accordance with IC 36-1-12 *et seq.* and notice was published in accordance with IC 5-3-1;

**Whereas**, On April 25, 2019, the Waterworks District adopted Resolution No. 2019-06 and awarded the Project to Gatlin Plumbing & Heating, Incorporated in the amount of Four Hundred Thirty- Five Thousand and 00/100 (\$435,000.00), to be the lowest responsive and responsible bid;

**Whereas**, The project costs were allocated to the Board of Works in the amount of Fifty-seven Thousand Three Hundred Six Dollars and no/Cents (\$57,306.00) and to the Department of Water works in the amount of Three Hundred Seventy-seven Thousand Six Hundred Ninety-four Dollars and no/Cents (\$377,694.00);

**Whereas**, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and/or to increase or decrease the planned material quantities;

**Whereas**, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project, has specifically identified and presented Change Order No. 1, attached herewith, which details the changes and alterations to the Project which have a net decrease in the contract amount of Fifty-four Thousand Four Hundred Sixty-eight Dollars and 30/100 Cents (\$54,468.30), of which, Sixteen Thousand Five Hundred Thirty-one Dollars and 90/100 Cents (\$16,531.90) is attributed to the reduction in the water main replacement costs and Thirty-seven Thousand Nine Hundred Thirty-six Dollars and 40/100 Cents (\$37,936.40) is attributed to the street improvement costs; and,

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the **First Addendum** to the Construction Contract with Gatlin Plumbing & Heating, Incorporated for the 81<sup>st</sup> Street Water Main Replacement and Street Improvement Project, as prepared by NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on this Project, is hereby determined to be directly related to the original project and is hereby approved, adopted, and ratified in each and every respect;

**Section 2.** That this addendum is hereby ordered to be known as Change Order No. 1, issued to **decrease net changes** to the original agreement in the amount of Fifty-four Thousand Four Hundred Sixty-eight Dollars and 30/100 Cents (\$54,468.30), of which, Sixteen Thousand Five Hundred Thirty-one Dollars and 90/100 Cents (\$16,531.90) is attributed to the reduction in the water main replacement costs and Thirty-seven Thousand Nine Hundred Thirty-six Dollars and 40/100 Cents (\$37,936.40) is attributed to the street improvement costs, bringing the total value of the entire agreement with any and all change orders approved to date to Three Hundred Eighty Thousand Five Hundred thirty-one Dollars and 70/100 Cents (\$380,531.70); and

**Section 3.** That the total of all change orders issued that increases the scope of this Project may not exceed twenty percent (20%) of the amount of the original contract, that original being of Five Hundred Twenty-two Thousand Dollars and 00/100 Cents (\$522,000.00), pursuant to IC 36-1-12-18(d); and

**Section 4.** That the Proper Officers are hereby authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**Duly Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23<sup>rd</sup> day of December 2019 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

/s/Steve Wagner, President (IC 36-5-2-10)

**Attest:**

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**5. Works Board Order N. 2019-38: An Order Authorizing, and Approving the Payment of Elective Honoraria to the Several Municipal Departments and Select Event Participants in Recognition of and in Goodwill for their Assistance and Support of the Several Events under the Aegis of the Community Events Commission and Ratifying the Payment of**

Elective Honoraria in the Annual Highland Independence Day parade and the Annual Holiday Parade.

Councilor Herak moved the passage and adoption of Works Board Order No. 2019-38. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2019-38

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA TO THE SEVERAL MUNICIPAL DEPARTMENTS AND SELECT EVENT PARTICIPANTS IN RECOGNITION OF AND IN GOODWILL FOR THEIR ASSISTANCE AND SUPPORT OF THE SEVERAL EVENTS UNDER THE AEGIS OF THE COMMUNITY EVENTS COMMISSION AND RATIFYING THE PAYMENT OF ELECTIVE HONORARIA IN THE ANNUAL HIGHLAND INDEPENDENCE DAY PARADE AND THE ANNUAL HOLIDAY PARADE.

**Whereas,** The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

**Whereas,** The Highland Community Events Commission, did organize and marshal several community events which included but were not limited to the annual Independence Day and Christmas Parades, the annual Independence Day Festival, and Historic Re-Enactments; and

**Whereas,** The Highland Community Events Commission did rely on the support and special services of the Highland Parks and Recreation Department, the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau of the Metropolitan Police Department in carrying out its programing for the year;

**Whereas,** The Highland Community Events Commission has informed the Town Council that is has been customary and is highly desirable for the payment of an honorarium or stipend to some of the participating municipal departments in recognition of their laudable support and contribution to the special event programming during the year;

**Whereas,** The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

**Whereas,** The Town Council has been reliably advised that many employees of the Highland Parks and Recreation Department and the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau of the Metropolitan Police Department, do expend time, labor and creative process to support the Town of Highland's community programming; and,

**Whereas,** The Highland Community Events Commission, did organize and marshal the annual Fourth of July Parade as well as the annual Holiday Parade; and

**Whereas,** The Highland Community Events Commission has recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria; and,

**Whereas,** Under its authority of IC 36-1-3, The Town passed and adopted Section §2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

**Whereas,** The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission, as made at its meeting of December 12, 2019,

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana:

**Section 1.** That the following named municipal departments, agencies or departmental bureaus, be paid an elective honorarium in the amount specified, in appreciation and recognition of their contribution and support for the year's community events, as follows:

(A)	Parks and Recreation Department	\$500.00
(B)	Public Works Department (Agency)	\$300.00
(C)	VIPS Bureau of the Metropolitan Police Department	\$100.00
(D)	Highland Police Department	\$200.00
(E)	Highland Fire Department	\$200.00

**Section 2.** That the following named groups or bands, which participated in the most recent **Independence Day or Christmas Holiday Parades**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of this participation as follows:

(A)	Michigan City Orak Shriners	\$200.00
(B)	Hobart Shriners	\$200.00
(C)	Highland Performing Arts Boosters	\$100.00
(D)	Bishop Noll Marching Band	\$250.00
(E)	Highland Band Boosters	\$250.00

**Section 3.** That the following named groups or entities, which offered support through the use of parking lot or related assets in support of the most recent **Independence Day Parade or other special events**, as may be identified by the Community Events Commission, be paid an elective honorarium, in appreciation and recognition of this participation as follows:

(A)	Calvary Baptist Church	\$100.00
(B)	St. James the Less Church	\$100.00
(C)	Carf International/Paladin (nee Dungarvin)	\$ 50.00

**Section 4.** That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §2.23.030 of the Highland Municipal Code which reads as follows:

§ 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

*The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.*

**Section 5.** That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

**Section 6.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several municipal departments, agencies or bureaus as may be identified by the Community Events Commission, depicting the expense as an Honorarium, in the amount herein fixed, to be paid to the proper *donation fund*, for the benefit of the named municipal department, agency or bureau, and to take such other measures to carry-out the purposes and objects of this order;

**Section 7.** That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several participating groups or bands as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid according to law;

**Section 8.** That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

**Be it so ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 23<sup>rd</sup> day of December 2019 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

/s/ Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**6. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. Operations Director recommends the following:**

(A) *The hiring of Gavin Holder, to the full-time position of Utility Worker B in Public Works Department (Agency) at a rate of pay of \$12.80 per hour. This will not increase the full-time workforce greater than the authorized work force strength.*

Councilor Vassar moved to approve the appointment and hiring of Gavin Holder as requested. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Gavin Holder was hired.

- 7. Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2020 as presented by Crowel Insurance Agency.** Crowel Insurance Agency has proposed a total cost of **\$298,371**, representing **\$89,345** for Public Agency Multi-class Liability; **\$17,510** for Designated Wrongful Employment Practices Liability; **\$1,607** for Employee Benefits Errors or Omissions Liability; **\$124,877** for Comprehensive Automobile Insurance; and **\$65,032** for Property Package. The prior year was **\$281,839 at approval**. The current increase is 5.87% from the former rate at approval.

Councilor Zemen moved to approve the proposal of the multi-peril insurance with Crowel as the agent of record. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The insurance policy package and agent of record were approved.

- 8. Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$ 119,000 in the **Metropolitan Police Department, the amount of \$101,123 in the Fire Department and the amount of \$40,000 in the Works Board Department** all of the **Corporation General Fund** for a Fund total of **\$260,123.00**.

Councilor Herak moved to authorize the proper officer to publish legal notice of a public hearing to consider proposed additional appropriations as indicated above. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized to publish the notice.

- 9. Meeting Authorization.** Authorize the quadrennial meeting for the 29<sup>th</sup> Town Council for January 1, 2020 at Noon, pursuant to Section 2.05.130 (F) of the Highland Municipal Code, to allow for oath administration and organization pursuant to Section 2.05.040(D) of the Code.

Councilor Herak moved to authorize the quadrennial meeting for the 29<sup>th</sup> Town Council on January 1, 2020 at noon pursuant to Section 2.05.130(F) of the Highland Municipal Code, with the purposes of the meeting to be administration of oaths of office and organization of the Town Council. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The meeting was authorized.

**Comments or Remarks from the Town Council:**  
(For the Good of the Order)

- Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner absence owing to the recent passing of his dad.

Councilor Zemen commended to all a Merry Christmas and spoke of his pleasure of serving with all the members of the 28<sup>th</sup> Town Council.

**Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar expressed condolences to Kenneth Mika and his family on the passing of his dad.

Councilor Vassar acknowledged the Parks and Recreation Superintendent who offered a survey of the parks and recreation programs particularly fireworks on New Years' Eve and the annual Twelfth Night event at Main Square.

With leave from the Town Council, the Parks and Recreation Superintendent thanked the Councilors Wagner, Vassar and Kuiper for their support of the Parks and Recreation Department.

Councilor Vassar thanks Robin Carlascio and Theresa Badovich of the Idea Factory for their work on the monthly newsletter.

With leave from the Town Council, Councilor Vassar read from prepared remarks a narrative of appreciation recognizing members of his family and dilating upon his view of public service and his family's legacy of public service in Highland. He offered thanks to the press for what he termed its "fair treatment" during his service.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak acknowledged the Public Works Director who thanked the three retiring councilors for their leadership. The operations director also thanked the retiring members for their service as well.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who also expressed appreciation to the retiring members of the Town Council for their service and support of the department.

With leave from the Town Council, the Councilor Kuiper offered remarks of appreciation regarding the opportunity to serve on the Town Council.

**Councilor President Steve Wagner:** *Town Executive • Chair of the Board of Police Pension Trustees • Advisory Board of Zoning Appeals Liaison.*

The Council President expressed condolences to the Building Commissioner and his family on the passing of his dad.

With leave from the Town Council, the Councilor Wagner offered remarks of appreciation to the people of Highland and his fellow elected officials regarding the opportunity to serve on the Town Council. Councilor Wagner expressed best wishes to the incoming Town Council. He wished all a Merry Christmas and Happy New Year.

#### **Comments from Visitors or Residents:**

1. Mark Schocke, Councilor-Elect, Highland, expressed thanks to the retiring Councilors for their service to the Town.
2. Tom Black, Councilor-Elect, Highland, also expressed thanks to the retiring Councilors for their service to the Town.
3. Roger Sheeman, Councilor-Elect, Highland, also expressed thanks to the retiring Councilors for their service to the Town, stating it would be an honor to sit the chairs

of the dais. He further stated he wished there could be eight councilors, so all could work together.

With leave from the Town Council, Councilor Herak offered a protracted rejoinder to Mr. Sheeman, regarding the Councilor-elect's remarks, opining that the remarks did not reflect Councilor Herak's experience with Mr. Sheeman.

4. Larry Kondrat, Highland, expressed his best wishes to the retiring Councilors.
5. Dan Dernulc, Lake County Councilor and Lake County Republican Chairman, Highland, offered congratulations to the Councilors-elect, and commended Councilors Wagner, Kuiper and Vassar for their service.
6. Pete Hojnicky, Police Chief, Highland, stated it was an "honor" to work with the retiring councilors.
7. Elijah Aurand, Highland, also expressed thanks to the retiring councilors for their service.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 10, 2019 through December 23, 2019. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$235,467.47; Motor Vehicle Highway and Street (MVH) Fund, \$50,946.72; Local Road and Street Fund, \$16,174.12; Law Enforcement Continuing Education and Training and Supply Fund, \$2,153.88; Gasoline Agency Fund, \$18,543.20; Information Communications Technology Fund, \$5,105.14; Civil Donation Fund, \$109.20; Special Events Non Reverting Fund, \$600.00; Police Pension Fund, \$69,700.11; Cumulative Capital Improvement Fund, \$9,007.50; Municipal Cumulative Capital Development Fund, \$24,468.33; Traffic Violations and Law Enforcement Agency Fund, \$3,500.00; Municipal Cumulative Street Fund, \$2,705.50; Gaming Revenue Sharing Fund, \$1,739.21; Public Safety Local Income Tax Fund, \$47,360.00; Total: \$487,580.38.**

**Adjournment of Plenary Meeting.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 23, 2019 was adjourned at 7:31 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer

Approved by the Town Council at its meeting of \_\_\_\_\_, 2019.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer